



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-क

वर्ष ८, अंक ३३]

शनिवार, जुलै ९, २०२२/आषाढ १८, शके १९४४

[पृष्ठे ७, किंमत : रुपये ९.००

असाधारण क्रमांक ४२

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले

(भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांव्यतिरिक्त इतर)

वैधानिक नियम व आदेश; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क), जिल्हांडंडाधिकारी व निवडणूक आयोग, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

NOTIFICATION

No. P. 1604/2022.—In exercise of the powers conferred under Article 235 of the Constitution of India the Honourable the Chief Justice and Judges of the Bombay High Court are hereby pleased to direct that the following amendments be made in the Bombay City Civil and Sessions Court Rules, 1948.

I

In Chapter VI, rule 51, insert words “**as per provisions of Order V Rule 1 and 2 (Bombay amendment) of the Code of Civil Procedure, 1908 and**” after the words “**answer shall be**” and before the words “**in one of the**”.

In Chapter VI, rule 51, insert, “**4A**” after the words “**Forms No. 3, 4**” and before the words “**and 5**”.

II

In Chapter VI, rule 51A, substitute “,” in place of word “**and**” after the words “**The name**” and before the word “**address**”.

In Chapter VI, rule 51A, insert the words “**and electronic mail address**” after the word “**address**” and before the words “**of the advocate**”.

III

In Chapter VI, rule 52, insert the words “**or digitally signed**” after the words “**the same be signed**” and before the words “**with the name of the officer**”.

IV

Rule 53 of Chapter VI, shall be deleted.

V

In Chapter VI, rule 54, insert the words “**until after 30 clear days from the service of the writ of summons.**” after the words “**shall be heard**”.

Rule 54(a), 54(b) and 54(c) of Chapter VI, shall be deleted.

VI

In Chapter VI, rule 55A, delete the words “**in Greater Bombay beyond the limits of Mahim and Sion**”.

In Chapter VI, rule 55A, insert the words “**or through courier, fax or electronic mail service**” after the words “**office of the Registrar**”.

VII

In Chapter VI, rule 59, substitute the words “**thirty days**” in place of “**four weeks**”.

VIII

In Chapter VI, the existing rule 60 shall be substituted with following rule :

Rule 60.— Judgment for want of written statement.— The procedure as provided in Order VIII Rule 10 of the Code of Civil Procedure shall be followed for the Judgment for want of written statement.

IX

In Chapter VI, rule 61, substitute the words “**within 30 days of service of**” in place of the words “**on or before the day fixed in**”.

In Chapter VI, rule 61, delete the words “**or otherwise before the date fixed for his appearance**”.

In Chapter VI, rule 61, substitute the words “**at the discretion of the Court**” in place of the words “**not exceeding Rs. 50**”.

X

Rule 62 of Chapter VI, shall be deleted.

XI

In Chapter VI, the existing rule 66 shall be substituted with the following rule :

Rule 66.— Rules as to plaints to apply to written statements.— The procedure as provided in Order VIII rules 1 to 10 of the Code of Civil Procedure shall be followed.

XII

In Chapter VI, the existing rule 67 shall be substituted with the following rule :

Rule 67.— Written statement by plaintiff.— The procedure as provided in order VIII rules 12 to 23 of the Code of Civil Procedure (Bombay amendment) shall be followed.

XIII

In Chapter XXII, the existing rule 219 shall be substituted with the following rule :

219.— Time within which summons to be lodged for service.—

(1) The Writ of Summons in Suits, other than Commercial Suits, shall be transmitted for service to the office of the Sheriff within two weeks from the date of issuance of Writ of Summons or from the date of any order for amendment of the Writ of Summons. If it is not so lodged, the Sheriff shall not accept the Writ of Summons for service, unless otherwise ordered by the Judge.

(2) The Writ of Summons in Commercial Suits shall be transmitted for service to the office of the Sheriff within ten days from the date of issuance of Writ of Summons or from the date of any order for amendment of the Writ of Summons. If it is not so lodged, the Sheriff shall not accept the Writ of Summons for service, unless otherwise ordered by the Judge.

(3) After effecting the service by the office of the Sheriff, the Advocate shall file affidavit of service within 2 weeks, in case of default, the office of Sheriff shall file the service report of the Bailiff directly to the Court.

XIV

In Part II, substitute the following Form No. 3 in place of existing Form No. 3.

FORM NO. 3

**Rule 51, Summons to answer plaint under section 27,
O. V, rr. 1, 5, 7 and 9 and O. VIII, r. 9 of the Civil Procedure Code)**

IN THE BOMBAY CITY CIVIL COURT AT BOMBAY

SUIT NO.....OF

Greeting :

Whereas the above named Plaintiff has filed a plaint in this Court against you the above named defendant, whereof the following is a concise statement, viz.:—

Short cause plaint presented day of20 and filed day of20..... You are hereby summoned to appear in this Court within 30 days from the date of service of summons, in person or by an Advocate and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions to answer the above named plaintiff, as the suit is fixed for the final disposal, you must produce all your witnesses on that day, and you are hereby required to take notice that in default of your appearance the suit will be heard and determined in your absence; and you will bring with you (or send by your Advocate) any document in your possession or power containing evidence relating to the merits of the plaintiff's case or upon which you intend to rely in support of your case and in particular for the plaintiff the following documents :—

Thisday of20...

..... sealed.

Theday of20.....

.....
Plaintiff's Advocate

.....
for Registrar.

You are hereby informed that the Free Legal Service from the State Legal Services Authority, High Court Legal Services Committee, District Legal Services

Authority and Taluka Legal Services Committee as per eligibility criteria are available

to you and in case you are eligible and desire to avail the free legal services, you may contact any of the above Legal Services Authority /Committee.

N.B. - A copy of the plaint alongwith all annexures thereto, certified as true copy by Advocate for plaintiff, is enclosed herewith.

Note: Next date in this Suit is/20.... Please check the status and next/further date of this Suit on the official web-site of the City Civil & Sessions Court, Gr. Bombay.

XV

In Part II, substitute the following Form No. 4 in place of existing Form No. 4.

FORM No. 4

Rule 51, Summons to answer plaint under section 27, O. V,
rr. 1, 5, 7 and 8 and O. VIII, R. 9 of the Civil Procedure Code)

IN THE BOMBAY CITY CIVIL COURT AT BOMBAY

SUIT No. OF

..... Plaintiff;

versus

..... Defendant.

To

(State names of respondents and their Advocates.)

Greeting :

Long Cause plaint filed the day of 20 This suit will appear on the board of the Court taking New Long Causes and will be heard according to its priority in the Court, but if postponed on the day fixed for hearing will take its turn in the general list. You are required to file a written statement of your defence and serve a copy on the plaintiff within thirty days from the service of this summons upon you, in default whereof the suit will be set down to be heard as undefended and you will be liable to have a decree or order passed against you.

Whereas the above named Plaintiff has filed a plaint in this Court against you the above named defendant, whereof the following is a concise statement, viz.:—

You are hereby summoned to appear in the Court **within 30 days from the date of service of summons**, in person or by an Advocate and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions to answer the above named plaintiff, **and as the suit is fixed for the final disposal**, you must produce all your witnesses on that day, and you are hereby required to take notice that in default of your appearance on the day before mentioned, the suit will be heard and determined in your absence; and you will bring with you any document in your possession or power containing evidence relating to the merits of the plaintiff's case or upon which you intend to rely in support of your case and in particular for the plaintiff the following documents :—

Thisday of 20.....

sealed.

Theday of 20

.....
Plaintiff's Advocate

.....
for Registrar.

You are hereby informed that the Free Legal Service from the State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority and Taluka Legal Services Committee as per eligibility criteria are available to you and in case you are eligible and desire to avail the free legal services, you may contact any of the above Legal Services Authority /Committee.

N.B.—A copy of the plaint alongwith all annexures thereto, certified as true copy by Advocate for plaintiff, is enclosed herewith. Note: Next date in this Suit is 20.... Please check the status and next/further date of this Suit on the official web-site of the City Civil & Sessions Court, Gr. Bombay.

XVI

In Part II, insert a new following Form No.4A after Form No. 4.

FORM NO.4A

IN THE BOMBAY CITY CIVIL COURT AT BOMBAY

IN ITS COMMERCIAL DIVISION

COMMERCIAL SUIT NO.....OF

(Under Order V Rule 2 of Code of Civil Procedure,
1908 r/w Sec. 16 of the Commercial Courts Act, 2015)

Plaint Presented
on —— day of
and registered on
—— day of ——

(Rule 51, Summons to
answer plaint under
Section 27, O.V,
rr.1,5,7 and 8 and O.VIII,
r.9 of the Civil Procedure Code)

... Plaintiff;

VERSUS

... Defendant

To,

(State names of respondents and their Advocates.)

Whereas the abovenamed Plaintiff has filed a plaint relating to a commercial dispute in this Court against you and you are hereby summoned to file a written statement within 30 days of the service of the present summons and in case you fail to file the written statement within the said period of 30 days, you shall be allowed to file the written statement on such other day, as may be specified by the court, for reasons to be recorded in writing and on payment of such costs as the court deems fit, but which shall not be later than 120 days from the date of service of summons. On expiry of one hundred and twenty days from the date of service of summons, you shall forfeit the right to file the written statement and Court shall not allow the written statement to be taken on record.

You are hereby summoned to appear in this Court, in person or by an Advocate and able to answer all material questions relating to the suit, or who shall be accompanied by some other person able to answer all such questions to answer the above named plaintiff, and as the suit is fixed for the final disposal, you must produce all your witnesses and you are hereby required to take notice that in default of your appearance, the suit will be heard and determined in your absence; and you will

bring with you any document in your possession or power containing evidence relating to the merits of the plaintiff's case or upon which you intend to rely in support of your case and in particular for the plaintiff the following documents :—

This day of 20

sealed.

The day of 20

.....
Plaintiff's Advocate

.....
for Registrar.

You are hereby informed that the Free Legal Service from the State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority and Taluka Legal Services Committee as per eligibility criteria are available to you and in case you are eligible and desire to avail the free legal services, you may contact any of the above Legal Services Authority /Committee.

N.B.—A copy of the plaint alongwith all annexures there to, certified as true copy by Advocate for Plaintiff, is enclosed herewith.

Note : Next date in this Suit is 20.... Please check the status and next/further date of this Suit on the official web-site of the City Civil & Sessions Court, Gr. Bombay.

XVII

In Part II, in Form No. 5 substitute the number “20” in place of “19” below the form.

In Part II, in Form No. 5 add the following Notes at the end of the Existing Form.

“You are hereby informed that the Free Legal Service from the State Legal Services Authority, High Court Legal Services Committee, District Legal Services Authority and Taluka Legal Services Committee as per eligibility criteria are available to you and in case you are eligible and desire to avail the free legal services, you may contact any of the above Legal Services Authority /Committee.

N.B.—A copy of the plaint alongwith all annexures there to, certified as true copy by Advocate for Plaintiff, is enclosed herewith.

Note : Next date in this Suit is 20 Please check the status and next/further date of this Suit on the official web-site of the City Civil & Sessions Court, Gr. Bombay.”

XVIII

In Part II, in Form No.10

- (i) substitute the word “thirty” in place of word “eight”.
- (ii) substitute the number “20” in place of “19” below the form.

THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

NOTIFICATION

No. P. 0705/2010/2022.—The Honourable the Chief Justice and Judges of the High Court at Bombay under Article 227 of the Constitution of India are hereby pleased to direct that the following amendment be made in the Civil Manual, 1986 :—

In Chapter III, Rule 33, substitute as under :

In addition to the service to be effected through a bailiff, summons may also be sent to the defendant, to the address given by the plaintiff, by registered post, prepaid for acknowledgement, provided there is regular daily postal service at such place, speed post or courier with acknowledgement, wherever such facility is available, at the cost of the parties. Such service shall be treated as good service upon production of evidence, subject to the satisfaction of the learned Judge.

In addition to the above, if the plaintiff so desires, summons may be served by electronic mail service, in which case the provisions of the Bombay High Court Service of Process by Electronic Mail Service (Civil Proceedings) Rules, 2017 shall apply to Writ of Summons in all suits including under the Commercial Courts Act, 2015. .

Bombay,
Date : 6th July, 2022.

MAHENDRA W. CHANDWANI,
Registrar General.